

REMARKS

Claims 22-27 and 36-38 and 40-45 remain pending for consideration in this application. Claims 22 and 36 have been amended in this paper.

Claims As Amended Comply With The Recapture Rule

The Examiner rejected all of the pending claims under 35 U.S.C. § 251 as recapturing claim subject matter surrendered during prosecution of the original application. As has been previously argued, Applicants contend that the claims had been materially narrowed in respects other than the aspects surrendered during prosecution of the original case, and thus respectfully traverse the rejection. Nevertheless, in order to reach resolution of this long-pending application, Applicants have incorporated text from the amendments made during the original prosecution into independent claims 22 and 36. Applicants contend that the claims as amended comply with the recapture rule.

Per reissue rules, all amendment marking of claim text (i.e., underlines for additions, etc.) must be made relative to the issued patent. Since Claims 22 and 36 were not in the original issued patent, the entire text of these claims must be presented as underlined in the above listing of the claims. For the Examiner's convenience, Applicants have reproduced Claims 22 and 36 below, showing amendments relative to the claims as previously-pending.

22. (Currently Amended) An integrally formed roller skate chassis assembly integrated as a unit for attachment of a plurality of skate wheels, said chassis assembly comprising:

an elongate left chassis member and an elongate right chassis member, each chassis member being unitarily formed and having a front region, a back region, and a substantially generally planar lower portion extending through the front and back regions, the left and right chassis members being laterally spaced apart from each other and arranged so that the left and right lower portions lie in substantially parallel planes, the lower portions being adapted so that a plurality of skate wheels are supported therebetween;

one or more web members extending between the left and right chassis members and attached thereto ~~adapted~~ so that the chassis members and one or more web members are integrally attached to one another;

each chassis member having a substantially-generally planar upper portion in the front region and a substantially planar upper portion in the back region, the upper portions being positioned substantially above the one or more web members;

a forefoot mount defined above and being supportingly connected to the front upper portions in the front regions of the left and right chassis members, the

front upper portions having upper edges integrally attached to the forefoot mount, the forefoot mount being adapted to accommodate attachment of a forefoot portion of a skate boot sole; and

a heel mount defined above and being supportingly connected to the back upper portions in the back regions of the left and right chassis members, the back upper portions having upper edges integrally attached to the heel mount, the heel mount being adapted to accommodate attachment of a heel portion of a skate boot sole;

wherein at least one of the upper portions of each of the chassis members lies in a plane that is inclined between about 60° - 88° relative to the plane of the adjacent planar lower portion and is convergent in an upwardly extending direction with the corresponding planar upper portion of the spaced apart chassis member above said one or more web members.

36. (Currently Amended) An integrally-formed roller skate chassis assembly interconnected as a unit for attachment to a skate boot, the chassis assembly comprising:

a forefoot section and a heel section;

a pair of laterally spaced support members spanning the forefoot and heel sections of the chassis, each support member having a substantially planar lower portion, the lower portions being parallel to each other and adapted to receive a plurality of skate wheels therebetween;

at least one web member extending between and attached to the support member lower portions, the at least one web member positioned so as to be between successive wheels;

an upper portion in the forefoot section of each support member, the upper portion extending upwardly from the lower portion and having an upper edge, and a mounting flange extending from and integrally attached to each upper edge, the mounting flange having at least one mount hole; and

an upper portion in the heel section of each support member, at least part of each upper portion being substantially-generally planar and lying in a plane that is inclined relative to the lower portion, the upper portion planes being convergent in an upwardly direction above the at least one web member, the upper portion extending upwardly from the lower portion and having an upper edge, and a mounting flange extending from and integrally attached to each upper edge, the mounting flange having at least one mount hole;

wherein in at least one of the heel and forefoot sections, the upper portions are spaced such that a distance between the upper portions is less than a distance between the planar lower portions; and

wherein a line extending between the upper edge of a support member and the intersection of the support member and a web member is angled between about 60-88 degrees relative to horizontal.

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Since Claims 22 and 36 have addressed the Examiner's recapture concerns, Applicants contend that the claims as pending are in condition for allowance.

Oath/Declaration

Applicants acknowledge that the existing Declaration is not in compliance with the application in its current form. However, in order to save resources, Applicants wish to ensure the claims are otherwise in condition for allowance before incurring the expense of preparing formal declaration papers, and thus request that the requirement for an updated Declaration be held in abeyance.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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